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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,312	08/03/2000	Brian D. Kruse	10201US01	9288

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EXAMINER

CHUNG, DANIEL J

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,312

Applicant(s)

KRUSE ET AL.

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5. 6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

Receipt is acknowledged of Applicant's Information Disclosure Statement of 11-20-2000 and 5-7-2001, which has been placed in the application file and considered by the Examiner.

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Objections

Claim 25 is objected to because of the following informalities: Regarding claim 25, "...the color image form the color..." should apparently read "...the color image from the color...". Appropriate correction is required. Applicant is respectfully requested to carefully review all claims for any other informality that require correction.

Specification

Please review the application and correct all informalities.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-13,34-38 and 54-58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 9-13,34-38 and 54-58, the phrase "approximately", "substantially", and "about" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(b,d). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2,4-5,17-20,23 and 60-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Murashita et al. (6,504,950)

Regarding claim 1, Murashita et al discloses that the claimed feature of a method comprising: obtaining information ["display calibrating information collection unit"; 118] characterizing the color response of a display device associated with a client [106] residing on a computer network [104]; modifying ["profile modification unit"; 124] a color image based on the information to improve the accuracy of the color image when displayed on the display device; and delivering ["transmitting unit"; 112] the modified color image to the client [106] via the computer network for display ["display control unit"; 31] on the display device. (See Fig 28-30, Fig 33-36, Fig 38-45, Fig 48, col 11 line 40-col 13 line 30)

Regarding claim 2, Murashita et al discloses that obtaining the information by guiding ["guidance"] the client through a color profiling process that profiles the color response of the display device. (See col 11 line 45-51)

Regarding claim 4, Murashita et al discloses that the color profiling process includes estimating a gamma ["gamma coefficient calculation unit"; 36] for the color response of the display device. (See Fig 2, Abstract, col 24 line 30-31)

Regarding claim 5, Murashita et al discloses that the color profiling process includes estimating a gamma for the color response of each of the red, green and blue color channels associated with the display device. (See col 20 line 1-2, col 20 line 22-3, col 22 line 41-51)

Regarding claim 17, Murashita et al discloses that transmitting [128] the information to a remote server [102] in the computer network [104], the remote server modifying [124] the color images based on the information. (See Fig 36)

Regarding claim 18, Murashita et al discloses that transmitting [128] the information to a plurality of remote servers [102] in the computer network, and modifying [124] a plurality of color images based on the information, wherein each of the remote servers modifies and delivers at least one of the color images to the client. (See Fig 36)

Regarding claim 19, Murashita et al discloses that obtaining the information by obtaining information characterizing the color responses of a plurality of display devices associated with a plurality of clients residing on the computer network. (See Fig 36)

Regarding claim 20, Murashita et al discloses that the color image forms part of content received by the client from a remote server. (See Fig 28-30, Fig 33-36, Fig 38-45, Fig 48)

Regarding claim 23, Murashita et al discloses that modifying [124] the color images before the delivery of the color images to the client. (See Fig 36)

Regarding claims 60 and 62, claims 60 and 62 are similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claims 60 and 62.

Regarding claim 61, Murashita et al discloses that the program code is contained both in physical data storage media [i.e. 110,122] and signals transmitted between the client computer[106] and other resource on the computer network [104]. (See Fig 36)

Regarding claim 63, claim 63 is similar in scope to the claim 61, and thus the rejection to claim 61 hereinabove is also applicable to claim 63.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,14-16,21-22,24-33 and 39-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murashita et al (6,504,950).

Regarding claim 3, Murashita et al fails to teach that guiding the client through the color profiling process by delivering a series of instructional web pages to the client.

However, this would have obvious to one having ordinary skill in the art at the time of Applicant's invention, because the teachings/suggestions in Murashita (col 11 line 50-51, col 32 line 5-13) regarding "text, pictorial symbols, voice, etc. can be included in the guidance", provide the motivation to employ instructional web pages for guidance of Murashita's system because of commercial availability, in order to provide user friendly interface, as Web pages/browser are commonly used in Network system for many years.

Regarding claim 14, refer to the discussion for the claim 3 hereinabove, Murashita et al discloses that guiding ["guidance"] the client [106] through the color profiling process by delivering a series of instructional web pages to the client; obtaining the information [118] by generating a web cookie based on results of the color profiling process; and transmitting [128] the web cookie to a remote server [102] in the computer network [104]. (See Fig 36)

Murashita et al fails to teach a web cookie. However, according to the on-line computer dictionary, web cookie is defined as "a block of data that a Web server stores on a client system", "cookies are used to identify users, to instruct the server to send a customized version of the requested Web page, to submit account information for the user, and for other administrative purposes". Therefore, it would have been obvious to one skilled in the art to include 'web cookie' into the teaching of Murashita et al for transmitting a block of data(color profile) that a server returns to a client in response to a request from the client.

Regarding claim 15, Murashita et al discloses that the remote server [102] modifies [124] the color image based on the information. (See Fig 36)

Regarding claim 16, Murashita et al discloses that the remote server [102] delivers [112] the modified color image to the client [106]. (See Fig 36)

Regarding claim 21, refer to the discussion for the claim 3 hereinabove, Murashita et al discloses that the computer network is the World Wide Web, and the color image forms part of a web page received by the client from a web server residing on the computer network. (See col 13 line 28-30)

Regarding claim 22, refer to the discussion for the claim 3 hereinabove, Murashita et al discloses that the color image includes a plurality of color images stored on image servers [102] residing on the computer network, and the color images form parts of web pages received by the client from web servers residing on the computer network, the image servers and web servers being distinct from one another. (See Fig 36)

Regarding claim 24, refer to the discussion for the claims 3 and 14 hereinabove, Murashita et al discloses that transmitting a web page from a web server to the client, wherein the web page includes an image tag identifying the color image on a color

image server residing on the computer network; transmitting the information as part of a web cookie to the color image server, wherein the color image server modifies the color image based on the information; and transmitting the color image from the color image server to the client. (See Fig 28-30, Fig 33-36, Fig 38-45, Fig 48)

Regarding claim 25, refer to the discussion for the claims 3 and 14 hereinabove, Murashita et al discloses that transmitting a first web page from a color profile server to the client, the web page guiding the client through a color profiling process to obtain the information; transmitting a second web page from a web server to the client, wherein the web page includes an image tag identifying the color image on a color image server residing on the network; transmitting the information as part of a web cookie to the color image server, wherein the color image server modifies the color image based on the information; and transmitting the color image from color image serve to the client. (See Fig 28-30, Fig 33-36, Fig 38-45, Fig 48)

Regarding claim 26, refer to the discussion for the claim 3 hereinabove, Murashita et al discloses that the claimed feature of a system comprising: a web server residing on a computer network, the web server transmitting web pages to remote clients residing on the computer network; a color image server [i.e. database server] residing on the computer network [104], the color image server transmitting color images referenced by the web pages to the clients [106] for display [31] on display devices associated with the clients; a color profile server [118] residing on the computer

network, the color profile server guiding the clients through a color profiling process to obtain information characterizing the color responses of the display devices associated with the clients; and one or more color correction modules [124] that modify the color images transmitted by the color image server based on the information to improve the accuracy of the color images when displayed on the respective display device. (See Fig 28-30, Fig 33-36, Fig 38-45, Fig 48, col 11 line 40-col 13 line 30)

Regarding claim 27, Murashita et al discloses that the one or more color correction modules include a plurality of color correction modules, each of the color correction modules being resident with one of the color image servers on the network. (See Fig 36)

Regarding claims 28-33, claims 28-33 are similar in scope to the claims 3-8, and thus the rejections to claims 3-8 hereinabove are also applicable to claims 28-33.

Regarding claims 39-43, claims 39-43 are similar in scope to the claims 14-17, 21 and 27, and thus the rejections to claims 14-17, 21 and 27 hereinabove are also applicable to claims 39-43.

Regarding claim 44, refer to the discussion for claim 14 hereinabove, claim 44 is similar in scope to the claim 1, and thus the rejection to claim 1 hereinabove is also applicable to claim 44.

Regarding claim 45, refer to the discussion for claim 3 hereinabove, Murashita et al discloses that obtaining [118] the information by guiding the client through a color profiling process that profiles the color response of the display device, the color profiling process including delivery of a series of interactive, instructional pages to the client, wherein completion of the color profiling process requires no more than four clicks with a pointing device operated by a user associated with the client. (See Fig 28-30, Fig 33-36, Fig 38-45, Fig 48, col 11 line 40-col 13 line 30)

Regarding claim 46, refer to the discussion for claim 14 hereinabove, Murashita et al discloses that the cookie includes a profiler cookie written to the client by a first server that obtains the information, and a subscriber cookie written to the client by a color image server that delivers the modified color image. (See Fig 36)

Regarding claim 47, refer to the discussion for claim 14 hereinabove, Murashita et al discloses that transferring at least some of the contents of the profiler cookie to the color image server, whereby the color image server writes the subscriber cookie to the client, the subscriber cookie being thereafter transferred to the color image server when the client requests delivery of images from the color image server. (See Fig 36)

Regarding claim 48, refer to the discussion for claim 14 hereinabove, claim 48 is similar in scope to the claims 26, and thus the rejection to claim 26 hereinabove is also applicable to claim 44.

Regarding claims 49-51, claims 49-51 are similar in scope to the claims 45-47, and thus the rejections to claims 45-47 hereinabove are also applicable to claims 49-51.

Claims 6-8,52-53,59 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murashita et al in view of Engeldrum et al (5,638,117).

Regarding claims 6-7, Murashita et al discloses that the color profiling process includes: estimating the black point of the display device; estimating a coarse gamma for the display device; estimating a fine gamma for the display device based in part on the coarse gamma; estimating the gray balance of the display device; and generating a color profile based on the black point, the coarse gamma, the fine gamma, and the gray balance. (See Abstract, Fig 3-13, col 6 line 42-67, col 7 line 66-col 8 line 17, col 11 line 40-col 13 line 30)

Murashita et al does not specifically disclose that the process of estimating a black point, a coarse gamma and fine gamma. However, such limitations are shown in the teaching of Engeldrum et al. (See Fig 1-6, Abstract, col 1 line 36-60) It would have been obvious to one skilled in the art to incorporate the teaching of Engeldrum into the

teaching of Murashita, in order to achieve desired output characteristics/ color rendition with a simple and inexpensive device, as such improvement is also advantageously desirable in the teaching of Murashita et al for producing proper color calibrated images or modified color profile data with both hardware and software optimization.

Regarding claim 8, refer to the discussion for the claim 7 hereinabove, Engeldrum et al further discloses that estimating the black point of the display device includes: displaying a first range of gray elements on the display device; setting the contrast of the display device to maximum; setting the brightness of the display device to maximum; reducing the brightness of the display device until the darkest of the gray elements is barely visible; selecting the gray element that is barely visible. (See col 2 line 42-65)

Regarding claims 52-53, claims 52-53 are similar in scope to the claims 7-8, and thus the rejections to claims 7-8 hereinabove are also applicable to claims 52-53.

Regarding claim 59, refer to the discussion for the claim 7 hereinabove, Engeldrum et al discloses that using the coarse gamma as a starting point for estimating the fine gamma, and using the fine gamma as a starting point for estimating the gray balance. (See Fig 1-6, Abstract, col 1 line 36-60)

Regarding claim 64, refer to the discussion for the claim 7 hereinabove, Engeldrum et al discloses that the claimed feature of a web cookie data structure encoded in a computer-readable medium, the data structure, upon processing by a processor: presents a first field [i.e. 606] indicating a web domain; presents a second field [400] indicating a black point of a display device associated with a client residing on a computer network; and presents a third field [300] indicating a gamma of the display device. (See Fig 1-6)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

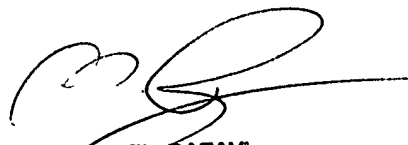
**Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).**

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
February 18, 2003



MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600